

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10
)	
Development of Nationwide Broadband Data to)	WC Docket No. 07-38
Evaluate Reasonable and Timely Deployment of)	
Advanced Services to All Americans, Improvement)	
of Wireless Broadband Subscribership Data, and)	
Development of Data on Interconnected Voice over)	
Internet Protocol (VoIP) Subscribership)	
)	
Service Quality, Customer Satisfaction,)	WC Docket No. 08-190
Infrastructure and Operating Data Gathering)	
)	
Review of Wireline Competition Bureau Data)	WC Docket 10-132
Practices)	

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint”), pursuant to the Notice of Proposed Rulemaking (“NPRM”) released February 8, 2011 (FCC 11-14), hereby respectfully submits its comments in the above-captioned proceedings to modernize and streamline the FCC Form 477. The Commission seeks to improve the collection of broadband and local telephone data used for its decision making and to meet its statutory duties, while minimizing the cost of the program. To this end, it identifies five categories of data that it requires: (1) deployment, (2) price, (3) subscription, (4) service quality and customer satisfaction, and (5) ownership and contact information.¹ While Sprint recognizes that the Commission requires data in order to fulfill its mandates, and there are many areas in

¹ NPRM, ¶ 47.

which additional data collection is warranted, Sprint believes that the current Form 477, when combined with other data available to the government, provides the Commission with the data necessary to measure wireless broadband deployment to consumers.

In addition to the Form 477, the Commission has access to data produced by carriers in compliance with the State Broadband Data and Development Grant Program (“SBDD”) that was established by the National Telecommunications and Information Administration (“NTIA”) to comply with the requirements of the Broadband Data Improvement Act of 2008 (“BDIA”)² and the American Recovery and Reinvestment Act (“ARRA”).³ The Commission can also draw upon the recent Census results and other external sources of data. Given this wide range of data, Sprint believes it is not necessary to impose additional costs on mobile carriers. However, if deployment, infrastructure and other competitively sensitive data are required, the confidentiality of such data must be protected.

I. THE COMMISSION CURRENTLY HAS AVAILABLE TO IT A SIGNIFICANT AMOUNT OF DATA FROM THE FORM 477 AND ADDITIONAL BROADBAND MAPPING INFORMATION PROVIDED PURSUANT TO THE SBDD

The existing Form 477 provides the Commission with a substantial amount of subscribership and deployment data by state and by census tract. Specifically, mobile wireless service providers produce: (1) the number of their subscribers who have a mobile device and a data plan that allows unlimited access to the internet, reported by state, by speed, by class (Part I.A), and by census tract (Part VI), (2) the total number of subscribers who have a broadband enabled device, reported by state (Part I.B.), and (3)

² Pub. L. No. 110-385, 122 Stat. 4096 (Oct. 10, 2008).

³ Pub. L. No. 111-5, 123, Stat. 115 (2009).

the number of mobile local telephone subscribers, by state and by class. Wireline service providers report: (1) broadband subscribers by state, by speed, by class and by census tract (Part I.A.), and local exchange telephone service subscribers, by state, by class, by facility and by zip code. Finally, interconnected VoIP service providers provide the number of interconnected VoIP subscribers by state, by class, by facility and by zip code (Part II.B).

Based on the current Form 477 data, the Commission produces lengthy and detailed analyses of Internet Access and Local Telephone Competition. Its most recent statistical reports released this month demonstrate the significant analyses that can be produced based on the data currently supplied by carriers.⁴

In addition to the Form 477 data, the Commission may now rely upon the coverage and speed information for all technologies provided pursuant to the SBDD. The data may be viewed and analyzed at NTIA's website: broadbandmap.gov. Although not displayed on the broadband map, carriers must also provide confidential information concerning their infrastructure. Census tract maps could be overlaid on NTIA's broadband maps to create census tract information. When used in conjunction with the recently released Census demographic information, the broadband mapping data provide valuable insights into the deployment of broadband and telephone services by census tract throughout the United States. In light of the new data available to the Commission, Sprint suggests that the Commission thoroughly analyze the data it and NTIA now collect before imposing any new data requirements on wireless service providers.

⁴ See http://www.fcc.gov/Daily_Releases/Daily_Business/2011/db0321/DOC-305296A1.pdf and http://www.fcc.gov/Daily_Releases/Daily_Business/2011/db0321/DOC-305297A1.pdf.

The Commission also seeks comment on whether the Form 477 data should be provided on a quarterly basis or synchronized with NTIA's SBDD.⁵ Sprint recommends synchronization with NTIA's SBDD because the data can be combined for additional analyses if the timeframes are consistent. Sprint does not support quarterly reporting, which would be burdensome and which is not needed for informed and timely decision making.

II. SERVICE QUALITY AND PRICING INFORMATION IS READILY AVAILABLE FROM RELIABLE SOURCES

Many existing sources of data are available to the Commission to evaluate service quality and pricing. For example, the Commission obtains service quality data from the complaints filed against carriers. The Commission currently tracks such complaints by topics and releases a report quarterly based on its data. The Commission could add to the categories of issues or problems as needed to track specific service quality issues. In addition, carriers are required to report their outages. The Commission could also track outage and recovery information to evaluate carriers' service quality, although the data for individual carriers is confidential and could not be released to the public.

In addition to its internally produced information, the Commission should turn to outside sources such as J.D. Power and Associates and *Consumer Reports*. These organizations routinely conduct detailed consumer satisfaction surveys and compare competitive product offerings. Their service quality and pricing results, which are published and widely advertised, help consumers identify and evaluate the alternative service providers available to them. With the unveiling of the broadbandmap.gov website, consumers can check and compare the broadband speeds of carriers across the

⁵ NPRM, ¶46.

country. And, up-to-date pricing and service availability may be found on the carriers' own websites. Thus, the Commission can rely on all of this information to evaluate service quality and pricing options available to consumers.

Further, submission of information on the service quality is not something that mobile service providers have been required to produce to the Commission in the past. Indeed, to the extent competition remains in the mobile marketplace, it will incent mobile service providers to maintain a high quality of service. Maintaining competition, rather than additional reporting, is the best means of ensuring quality of service. Developing new systems to collect specific data and to prepare the reports will be costly, and carriers will necessarily pass along such costs to their users.

It should also be noted that the GAO found that broadband performance and pricing information is currently readily available to the public:⁶

Consumers can generally access performance measures of availability, price, advertised speed, and actual delivered speed from broadband providers and third parties to compare services and assist in their decision-making process.

In order to analyze pricing trends for mobile services, Sprint suggests that the Commission rely upon the Bureau of Labor Statistics ("BLS"), which produces a cellular index for its Consumer Price Index.⁷ The BLS tracks the changes to cellular calling plan rates, with updates from participating companies on a monthly basis. Rather than having carriers provide their prices to both the BLS and the Commission, Sprint suggests that the

⁶United States Government Accountability Office ("GAO"), Telecommunications: Current Broadband Measures Have Limitations, and New Measures Are Promising but Need Improvement, GAO-10-49 (October 2009) at 3.

⁷ See, <http://www.bls.gov/cpi/cpifactc.htm>.

Commission work with the BLS to produce the general cellular pricing trend information it requires.

III. FOR OTHER PROPOSED DATA REQUESTS, THE BENEFITS SHOULD BE WEIGHED AGAINST THE BURDENS ON CARRIERS

The Commission requests comment on a requirement to provide data on the spectrum bands used by mobile service providers in specific areas.⁸ This requirement could be cumbersome and burdensome to prepare, depending on the number of areas specified and the frequency of the reporting. Carriers are continually changing the spectrum they use throughout their networks. Additionally, Sprint, like other mobile service providers, holds a variety of geographic area licenses, including Basic Economic Area, Major Trading Area, Basic Trading Area and Major Economic Area licenses, many of which have been partitioned and/or disaggregated. Therefore, providing spectrum usage information in specific geographic areas would be complex. Sprint suggests that carriers respond on an ad hoc basis to requests from the Commission concerning the spectrum they are currently using in particular areas.

The Commission notes that some commenting parties in prior proceedings have advocated collection of data at the census block level.⁹ The burden on the service providers of this change would be significant. There are nearly nine million blocks in the United States, versus approximately 20,000 tracts. A significant amount of time would be required to produce the data at the census block level. In addition, the Commission would incur costs to expand its computing capabilities so it can handle the additional granular data.

⁸ *Id.*, ¶52.

⁹ *Id.*, ¶57.

The Commission also questions whether it should require carriers to provide information similar to NTIA's data if the census block is greater than two square miles.¹⁰ Such data would be extremely difficult to construct, and Sprint recommends against providing data at any area other than the census tract. Thus, Sprint urges the Commission not to require data at such a granular level.

Concerning information on speed tiers, the FCC request comment on changing the speed tiers.¹¹ Although smaller tiers might be somewhat more useful to differentiate services provided by carriers, the current tiers provide sufficient differentiation to determine the usefulness of the services for different applications or products. Additional granularity will not provide consumers with useful information. Thus, Sprint recommends retaining the current reporting in the current 8 tiers of advertised download speeds and 9 tiers of advertised upload speeds. However, the Commission could add two breakpoints at 50 mbps and 1 gbps to conform to the SBDD breakpoints.¹² With the addition of the SBDD breakpoints, analyses may be somewhat more easily accomplished. By retaining the existing FCC breakpoints, the FCC will be able to continue current analyses with future data.

Sprint strongly opposes any requirement to measure actual speed of mobile services. As Sprint has discussed in other proceeding, the speed of mobile services is affected by many factors including foliage, buildings, building structures, the number of customers using the service at the same time in a particular location, the amount of data

¹⁰ *Id.*, ¶58.

¹¹ *Id.*, ¶60.

¹² *Id.*, ¶59.

each customer is downloading, and the applications being used.¹³ The measurement cannot be adjusted to account for these numerous factors, and accordingly Sprint would oppose an additional actual speed measurement requirement.

Concerning contact information,¹⁴ the Commission currently permits carriers to choose the level of ownership they use to report on the Form 477. It seeks comment here on whether the form should be revised to collect additional ownership information. The Commission suggests that one option might be “to require filers to report data such as that collected on FCC Form 602 for wireless carriers, which collects all of a filer’s ‘disclosable interest holders.’”¹⁵ Sprint recommends that carriers should be permitted either to provide the data that is required on the FCC Form 602 or, for wireless carriers, to reference the file number of the carrier’s current FCC Form 602 on file at the Commission.

IV. PROPRIETARY DATA CANNOT BE COMPROMISED

Carriers currently file their FCC Form 477 with a request for confidential treatment of their provider-specific data contained therein, as permitted by the Commission’s Rules, 47 C.F.R. § 43.11(c). Sprint certifies that “the information is privileged and confidential and that disclosure of such information would likely cause substantial harm to the competitive position of Sprint Nextel.” Similarly, any additional information that the Commission integrates into FCC Form 477 must be treated as confidential.

¹³ See, e.g., Sprint Comments filed on July 8, 2010 in CG Docket No. 09-158, CC Docket No. 98-170 and WC Docket No. 04-36 at 9-10.

¹⁴ NPRM, ¶¶ 100-104.

¹⁵ *Id.*, ¶103, fn. Omitted.

V. CONCLUSION

Sprint recognizes that the Commission must meet its mandates to promote the deployment of universal broadband services and local telephone service competition, and data are required to do so. There are many areas in which additional data collection is warranted. However, in this case, the cost to carriers of producing new data and revisions to the data required of mobile service providers would outweigh the minimal benefits obtained. Sprint urges the Commission to rely on its own data, as well as other reliable external sources of data.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jo-Ann Monroe, certify that a copy of the foregoing Comments of Sprint Nextel Corporation was sent via electronic mail to the following parties on this 30th day of March, 2011:

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